

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA

FILED
JUL 25 2006

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

ROBERT G. BREWER, Executor of the Estate)
of JOLLY MAE DILLON,)

Plaintiff,)

v.)

JO ANNE B. BARNHART,)
Commissioner of Social Security,)

Defendant.)

Civil Action No. 4:02CV00083

ORDER

By: Honorable Glen E. Conrad
United States District Judge

This case is now before the court for the consideration of the petition of plaintiff's attorney for approval and authorization of a fee for said attorney's services in the litigation of the case before this court. The case involved plaintiff's appeal of the final decision of the Commissioner of Social Security denying Jolly M. Dillon's claim for a period of disability and disability insurance benefits under the Social Security Act, as amended, 42 U.S.C. §§ 416(i) and 423. This court's authority for the approval of attorney's fees is set forth pursuant to § 206(b)(1) of the Social Security Act, 42 U.S.C. § 406(b)(1), as amended. Under 42 U.S.C. § 406(b)(1), the court is authorized to allow a reasonable fee, not to exceed 25 percent of the past due benefits.

By memorandum opinion and order entered September 19, 2005, the court reversed the final decision of the Commissioner of Social Security in which the Commissioner concluded that Ms. Dillon was not disabled for purposes of her application for a period of disability and disability insurance benefits. Throughout the proceedings before this court, plaintiff was represented by C. Cooper Geraty, of Charlottesville, Virginia. Mr. Geraty has now petitioned the court for approval of a fee of \$9,788.00 for services rendered in this case. The Commissioner has indicated that there are no objections to the proposed fee.

After consideration of the relevant factors, the court has concluded that a fee of \$9,788.00 provides proper and reasonable compensation for the legal services rendered in this case. In reaching this conclusion, the court has considered the quality of the attorney's services to his client, the input provided by Mr. Geraty in this court's deliberations, and the time spent by counsel in processing this appeal. Accordingly, a fee of \$9,788.00 is approved and authorized by the court for release, and it is so

ORDERED.

The Clerk is directed to send certified copies of this order to all counsel of record.

ENTER: This 24th day of July, 2006.

A handwritten signature in black ink, appearing to read "Gregory C. Conrad".

United States District Judge